Remarks

Applicant respectfully traverses the restriction requirement and requests withdrawal of same. According to MPEP §803.01, criteria for restriction between patentably distinct inventions have two separate requirements: (1) the invention must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is required.

Applicant respectfully disagrees that the claims, as presently presented, would in any way create a serious burden to search or otherwise examine. Regardless of whether a patent application claims inventions that are "independent" or "distinct", a restriction should not be made if a search and examination of the entire patent can be made without serious burden (MPEP §803). Accordingly, the claims as presently restricted cover overlapping subject matter; namely methods and compositions drawn to therapies for Schwachman-Diamond Syndrome (SDS). Applicant respectfully traverses the restriction requirement, as the search across Groups I-IX would be largely coextensive and not create a serious burden on Examiner, and requests all claims be examined together.

Applicant further requests, at a minimum, that the claims of Groups I, IV, V and VIII be examined together. The claims of Group I are drawn to a method of determining whether a subject is suffering from SDS. The claims of Group VIII are drawn to nucleotide sequences comprising primers used for diagnosing SDS. It is unreasonable to separate these Groups, as the probes identified in Group VIII are used to identify the mutations which give rise to the subject disease of Group I. Naturally, this would lead to a coextensive and overlapping search across Groups I and VIII. The claims of Groups IV and V involve methods of treating and diagnosing the subject disease described

in the earlier Groups. Therefore, there would not be a serious burden on the Examiner to conduct the search across Groups I, IV, V and VIII.

Applicant traverses the election of species requirement in light of the small group of sequences to be examined. Many of the sequences were primers used to locate the various mutations involved in SDS. In fact, the mutations themselves are a major contribution linking the Schwachman-Bodian-Diamond Syndrome (SBDS) gene with the disease itself. It is a feature of the disease that more than one mutation is necessarily implicated. It is unreasonable to have patients screened for only one mutation. Furthermore, prior to the identification of the gene and the linkage to the disease by Applicant, there was no knowledge as to what defined the gene, nor any publications linking specific mutations to the cause of SDS. Therefore, Applicant requests the sequences be examined together.

Based on the above, Applicant respectfully requests withdrawal of the restriction requirement. Applicant is filing this response concurrently with a petition for a two month extension of time. Authorization is granted to charge any fees or credit any overpayments to Deposit Account No. 502235.

Respectfully submitted,

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